

BOOK REVIEW

People's Law and State Law: The Bellagio Papers. A.N. Allott and G.R. Woodman (eds.). Dordrecht: Foris Publications, 1985.

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The Conference at Bellagio in September 1981, where People's Law and State Law originated, was the largest and most important gathering of its kind for many years. Almost every lawyer then professionally active in "legal anthropology" seems to have been there and all participants made substantial contributions. To find a comparable occasion in this field it is necessary to go back as far as the Wenner-Gren conference at the Burg Wartenstein in August, 1966, the papers of which Nader published as Law in Culture and Society (Chicago: Aldine, 1969). But the comparison can be taken beyond matters of sheer size, prestige of location and scholarly authority; these reports of two occasions, fifteen years apart, provide instructive contrasts as to what was being done and the sort of people who were doing it.

By all accounts, discussion on both occasions was lively, even in places acrimonious, with personal antagonism and professional disagreement given a free rein. Nader has described the meeting in Austria as "turbulent" and "rocky" (1969: vii-ix); rumour has it that those adjectives would be perfectly appropriate for Bellagio too. The chairman of one session writes openly of his exasperation that the atmosphere of the conference hampered the refinement and resolution of emergent professional disagreements. But these big occasions are usually tense, nothing is ever taken very far on the conference floor; and all in all this seems to have been a healthy, vigorous affair. In the longer term, "Bellagio" must be judged on the basis of what the participants and their less fortunate colleagues write following that encounter.

There is one apparently important difference between the guest list at the Burg Wartenstein and that at Bellagio. The former was a conference of anthropologists, with a very few lawyers and sociologists in attendance; the latter was essentially a meeting of lawyers sensitive to the social sciences with the odd anthropologist thrown in (and of course on both occasions one or two participants could claim a dual character). This reflects a generally observable change. As the label implies, legal anthro-

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pology was established as a field of study by anthropologists, who in the early years did nearly all the interesting work. Malinowski was already long dead, but Bohannan, Gluckman, Gulliver, Hoebel, Moore, Nader, Pospisil and Schapera were all there at the Burg Wartenstein. It is perhaps curious that none of them were at Bellagio (Gluckman, alas, could not have been there), given how active most remain. But there is no doubt that a majority of people now working in this field are lawyers first, even if many have made strenuous efforts to understand anthropology; and that main-stream anthropology has turned away from a focus on "law".

It is difficult to know what to make of this shift in the professional affiliation of the personnel involved. In terms of the work produced, the consequences seem rather limited. Certainly, in the Bellagio papers there is a noticeable move away from the concern of the classic monographs with a single culture, towards a focus on the relationship between the small group and the larger state within which it is encapsulated (that is, the interest in "pluralism" and "change"). But there were signs of this shift in focus long before Bellagio; and lawyers cannot claim sole credit - the elders of legal anthropology mentioned earlier were all very interested in what is now labelled "pluralism", as are most of their younger colleagues. Certainly, too, the community of interest between those studying the "third world" and the industrialised "west" (between "anthropologists" and "sociologists") was well recognised by those meeting at the Burg Wartenstein.

Turning to the Bellagio papers themselves, this is certainly an important collection. Given the representation at the conference, we can say safely that these papers depict "the state of play" in the field in 1981. But they represent more than that, because the moment was an interesting one. Many of the contributors were established scholars at a mid point in their careers, who had or were about to publish major works. Consequently, the positions taken up are carefully thought through and strengthened as a result of earlier public exposure; there is also about them an air that the authors are pausing for reflection and reassessment. I feel no temptation to praise some contributors and castigate others; overall this is a fine collection, marred only by the fact that too many had been promised elsewhere and so appear in summary only. Allott, Woodman and their colleagues must be congratulated warmly on the care they have taken in presenting this book.

That leaves the questions: What more was going on at "Bellagio"? What was the formation of the Commission on Folk Law and Legal

Pluralism all about? Was some new field of study initiated through the formation of this body and then unveiled to the public on the shore of an Italian lake, as the editors hesitantly claim in their Introduction? Clearly, the Commission represents for legal anthropologists a sort of professional association, a way of keeping in touch and hearing the news. But there is not much more to it than that. Already in the 1960's and 1970's attempts were being made to theorize "pluralism" and to get to grips with the nature of the colonial encounter. These important projects were not commenced at Bellagio; but they were certainly advanced there. Nor does much hang by the introduction of the word "folk law" into the picture. Perhaps it enables us to think a little more clearly about some kinds of opposition that earlier labels have obscured, but the area of interest marked out was already being vigorously examined.

No review of these papers could properly finish without a word about Van den Steenhoven, the only person present both at the Burg Wartenstein and at Bellagio. This self-effacing architect of the Commission and of its first conference, author of important and enduring writings in our field, deserves the warmest thanks and congratulations.